

ESTTA Tracking number: **ESTTA765710**

Filing date: **08/19/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

### Opposers Information

Name	World Baseball Classic, Inc.
Granted to Date of previous extension	08/21/2016
Address	245 Park Avenue New York, NY 10167 UNITED STATES

Name	Major League Baseball Properties, Inc.		
Entity	Corporation	Citizenship	New York
Address	245 Park Avenue New York, NY 10167 UNITED STATES		

Name	Office of the Commissioner of Baseball		
Entity	unincorporated association	Citizenship	New York
Address	245 Park Avenue New York, NY 10167 UNITED STATES		

Attorney information	Mary L. Kevlin/Timothy J. Buckley Cowan, Liebowitz & Latman, P.C. 114 West 47th St. New York, NY 10036 UNITED STATES tjb@cll.com, mlk@cll.com, tay@cll.com, njh@cll.com, trademark@cll.com
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### Applicant Information

Application No	86678185	Publication date	02/23/2016
Opposition Filing Date	08/19/2016	Opposition Period Ends	08/21/2016
Applicant	World Baseball League LLC 1624 E Campbell Ave., Ste. 14 Phoenix, AZ 85016 UNITED STATES		

### Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Coordination of recreational sporting opportunities for individuals who wish to participate in team league sports

## Grounds for Opposition

Other	Please see attached pleading.
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Attachments	NOO WORLD BASEBALL LEAGUE LLC AND DESIGN.pdf(1038182 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Timothy J. Buckley/
Name	Timothy J. Buckley
Date	08/19/2016



Cowan, Liebowitz & Latman, P.C.  
114 West 47<sup>th</sup> Street  
New York, NY 10036  
(212) 790-9200 Tel  
(212) 575-0671 Fax  
www.cll.com

August 19, 2016

**By Electronic Filing**

Commissioner for Trademarks  
Attn: TTAB  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: Major League Baseball Properties, Inc., Office of the  
Commissioner of Baseball and World Baseball Classic, Inc.  
Consolidated Notice of Opposition  
Against World Baseball League LLC  
Application to register WORLD BASEBALL LEAGUE LLC  
and Design  
Ref. No. 21307-000

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 86/678,185 published in the Official Gazette on February 23, 2016. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$900 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Timothy J. Buckley/  
Timothy J. Buckley

Enclosures

cc: Ms. Diane Kovach (w/encs.)  
Mary L Kevlin, Esq. (w/encs.)  
Richard S. Mandel, Esq. (w/encs.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 86/678,185

Filed: June 29, 2015

For Mark: WORLD BASEBALL LEAGUE LLC and Design

Published in the Official Gazette: February 23, 2016

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MAJOR LEAGUE BASEBALL PROPERTIES,	:
INC., OFFICE OF THE COMMISSIONER OF	:
BASEBALL and WORLD BASEBALL CLASSIC,	:
INC.	:
	:
Opposers,	:
	:
v.	:
	:
WORLD BASEBALL LEAGUE LLC,	:
Applicant.	:
	:
-----X	

Opposition No.

**CONSOLIDATED  
NOTICE OF OPPOSITION**

Commissioner for Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Opposer, the Office of the Commissioner of Baseball, a New York unincorporated association, with offices at 245 Park Avenue, New York, New York 10167 (the “BOC”), Opposer, Major League Baseball Properties, Inc., a New York corporation, with offices at 245 Park Avenue, New York, New York 10167, and a wholly owned subsidiary of the BOC (“MLBP”), and Opposer, World Baseball Classic, Inc., a Delaware corporation, with offices at 245 Park Avenue, New York, NY 10167, and a wholly owned subsidiary of MLBP (“WBCI”) (collectively referred to as, “Opposers”), believe that they will be damaged by registration of the mark WORLD BASEBALL LEAGUE LLC and Design, as depicted here:



(“Applicant's Mark”) and in Application Serial No. 86/678,185 (the “Application”) for “Coordination of recreational sporting opportunities for individuals who wish to participate in team league sports” in International Class 35, and having been granted extensions of time to oppose up to and including August 21, 2016, hereby oppose the same.

As grounds for opposition, it is alleged that:

1. Since long prior to June 29, 2015, Applicant’s constructive first use date, WBCI has operated, organized and promoted the highly popular WORLD BASEBALL CLASSIC tournament (the “Tournament”). The Tournament is the premier international baseball tournament, sanctioned by the World Baseball Softball Confederation, and is supported by Major League Baseball and the Major League Baseball Players Association, as well as Nippon Professional Baseball, the Korea Baseball Organization, their respective players associations and other leagues and players from around the world. To date, the final round of the Tournament has occurred in 2006, 2009, 2013, and is scheduled to occur every four years (the next final round of the Tournament will occur in the spring of 2017). Qualifications for the final round of the Tournament occur in the years leading up to the final round. Accordingly, WBCI operates, organizes and promotes events and baseball games under the brand WORLD BASEBALL CLASSIC during the Tournament’s off years. The Tournament and the related events and qualifications feature professional baseball players, managers and coaches from numerous countries, including from the United States. A good number of the participants in the

Tournament come from Major League Baseball and Minor League Baseball teams and participate on the team for the country from which they come.

2. Since long prior to June 29, 2015, Applicant's constructive first use date, WBCI and its affiliated and related entities, licensees and/or sponsors, including, without limitation, MLBP and the BOC, have used and are using marks, names and domain names that comprise or contain the terms WORLD BASEBALL CLASSIC, BASEBALL, BEISBOL and/or the



image of a globe in the form of a baseball as shown here: , alone or with other word, letter and/or design elements (collectively, "WBCI's Marks"), in connection with organizing baseball games and competitions; baseball game and exhibition services; and a wide variety of goods and services, including, but not limited to, apparel; paper goods and printed matter; toys and sporting goods; and novelty items.

3. WBCI owns United States federal registrations for WBCI's Marks in International Classes 14, 16, 25, 28, 38 and 41 namely, Registration Nos. 2,626,621; 3,185,767; 3,185,768; 3,185,769; 3,186,016; 3,212,363; 3,221,494; 3,221,495; 3,224,034; 3,584,645; 3,613,865; 3,620,930; 3,620,931; 3,636,798; 3,648,847; 3,662,019; 3,662,020; 3,674,505; 3,674,518; 3,681,519; 3,694,193 and 3,730,036. Registration Nos. 3,185,767; 3,185,768; 3,221,494; 3,221,495; 3,224,034; 3,613,865; 3,648,847; 3,674,505 and 3,674,518 are incontestable.

4. Since long prior to June 29, 2015, Applicant's constructive first use date, WBCI and its affiliated and related entities, licensees and/or sponsors, including, without limitation, MLBP and the BOC, have promoted and advertised the sale and distribution of goods and

services bearing or offered in connection with WBCI's Marks, including in connection with organizing baseball games and competitions; baseball game and exhibition services; and a wide variety of goods and services, including, but not limited to, apparel; paper goods and printed matter; toys and sporting goods; and novelty items, and have offered such goods and rendered such services in commerce.

5. As a result of the sales and promotion of its goods and services bearing or offered in connection with WBCI's Marks, WBCI has built up highly valuable goodwill in WBCI's Marks, and said goodwill has become closely and uniquely identified and associated with WBCI.

6. Since long prior to June 29, 2015, Applicant's constructive first use date, MLBP and the BOC (together, the "MLB Opposers") and their predecessors, affiliated and/or related entities (including, without limitation, the Major League Baseball clubs and their respective affiliated and related entities (collectively, the "MLB Entities")), individually and through their respective licensees and/or sponsors, have long used and are using marks, names and domain names that comprise or contain the terms MAJOR LEAGUE BASEBALL and its abbreviation MLB, BASEBALL and BEISBOL, various silhouetted batter designs that are the visual equivalent of the MAJOR LEAGUE BASEBALL mark, and/or various baseball designs, either alone or with other words, letters and/or designs, including, without limitation, in connection with baseball games and exhibition services; organizing team league sports competitions; providing opportunities for youths to play in team sports; and a wide variety of goods and services, including, but not limited to, apparel; paper goods and printed matter; toys and sporting goods; and novelty items, and MLBP, the BOC and the other MLB Entities are

recognized and referred to by consumers, fans, the press, the media and the public by the short-hand nickname “Baseball” (collectively, the “MLB Marks”).

7. The MLB Opposers own U.S. federal Registrations and Applications for the MLB Marks in International Classes 6, 9, 11, 14, 16, 18, 20, 21, 24, 25, 26, 28, 31, 34, 35, 36, 38, 41, 42 and 43, namely, Registration Nos. 955,967; 1,055,313; 1,055,317; 1,055,318; 1,055,319; 1,055,322; 1,057,250; 1,057,264; 1,057,265; 1,220,334; 1,228,777; 1,230,519; 1,355,142; 1,357,826; 1,522,956; 1,522,957; 1,528,807; 1,541,948; 1,541,956; 1,550,251; 1,556,178; 1,557,291; 1,617,698; 1,620,020; 1,625,617; 1,648,643; 1,719,587; 1,741,015; 1,745,625; 1,768,105; 1,768,106; 1,799,433; 1,822,830; 1,834,210; 1,858,917; 1,897,584; 1,988,066; 1,989,978; 2,068,319; 2,188,192; 2,204,150; 2,226,926; 2,569,970; 2,569,971; 2,573,503; 2,586,893; 2,604,417; 2,609,504; 2,612,388; 2,666,228; 2,669,860; 2,675,477; 2,680,015; 2,697,473; 2,700,976; 2,705,130; 2,709,813; 2,709,814; 2,742,999; 2,743,153; 2,762,277; 2,769,617; 2,776,186; 2,779,958; 2,791,550; 2,832,358; 2,832,359; 2,847,892; 2,847,893; 2,847,894; 2,851,208; 2,863,102; 2,879,840; 2,971,015; 2,976,531; 2,976,538; 3,150,381; 3,206,580; 3,326,191; 3,352,057; 3,389,059; 3,396,067; 3,399,695; 3,437,492; 3,456,907; 3,490,857; 3,538,655; 3,541,901; 3,542,112; 3,544,958; 3,545,448; 3,565,847; 3,565,938; 3,573,096; 3,592,912; 3,593,031; 3,593,032; 3,593,102; 3,633,210; 3,633,211; 3,633,212; 3,633,213; 3,633,214; 3,641,257; 3,641,260; 3,644,959; 3,644,993; 3,644,994; 3,648,872; 3,648,873; 3,667,138; 3,680,207; 3,700,391; 3,707,027; 3,707,028; 3,707,029; 3,716,952; 3,732,837; 3,746,838; 3,750,187; 3,761,818; 3,779,854; 3,781,188; 3,781,189; 3,781,190; 3,781,191; 3,781,215; 3,781,216; 3,781,217; 3,781,218; 3,849,163; 3,862,153; 3,864,816; 4,037,576; 4,084,490; 4,099,594; 4,294,588; 4,392,303; 4,662,489; 4,662,490; 4,687,412; 4,687,414; 4,750,683; 4,758,577; 4,758,578; 4,758,579; 4,758,580 and 4,971,324; and



Application Serial Nos. 86/783,213; 86/783,219; 86/783,221; 86/783,227; 86/783,230;  
86/783,232; 86/783,235; 86/783,240; 86/783,242; 86/783,245; 86/783,247; 86/818,033;  
86/818,037 and 86/959,217. Registration Nos. 955,967; 1,055,313; 1,055,317; 1,055,318;  
1,055,319; 1,055,322; 1,057,250; 1,057,264; 1,057,265; 1,355,142; 1,357,826; 1,522,956;  
1,522,957; 1,528,807; 1,550,251; 1,556,178; 1,557,291; 1,617,698; 1,620,020; 1,625,617;  
1,648,643; 1,719,587; 1,741,015; 1,745,625; 1,768,105; 1,768,106; 1,799,433; 1,822,830;  
1,834,210; 1,858,917; 2,188,192; 2,204,150; 2,226,926; 2,569,970; 2,569,971; 2,573,503;  
2,586,893; 2,604,417; 2,609,504; 2,612,388; 2,666,228; 2,669,860; 2,675,477; 2,680,015;  
2,697,473; 2,705,130; 2,709,813; 2,709,814; 2,742,999; 2,743,153; 2,762,277; 2,769,617;  
2,776,186; 2,779,958; 2,791,550; 2,832,358; 2,832,359; 2,847,892; 2,847,893; 2,847,894;  
2,851,208; 2,863,102; 2,879,840; 2,971,015; 2,976,531; 2,976,538; 3,150,381; 3,206,580;  
3,326,191; 3,352,057; 3,389,059; 3,396,067; 3,399,695; 3,437,492; 3,456,907; 3,490,857;  
3,538,655; 3,541,901; 3,542,112; 3,544,958; 3,545,448; 3,565,847; 3,565,938; 3,573,096;  
3,592,912; 3,593,031; 3,593,032; 3,593,102; 3,633,210; 3,633,211; 3,633,212; 3,633,213;  
3,633,214; 3,641,257; 3,641,260; 3,644,959; 3,644,993; 3,644,994; 3,648,872; 3,648,873;  
3,667,138; 3,680,207; 3,707,027; 3,707,028; 3,707,029; 3,750,187; 3,781,188; 3,781,189;  
3,781,190; 3,781,191; 3,781,215; 3,781,216; 3,781,217; 3,781,218 and 3,864,816 are  
incontestable.

8. Since long prior to June 29, 2015, Applicant's constructive first use date, the MLB Opposers and their predecessors, affiliated and related entities, licensees and/or sponsors, have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with the MLB Marks, including, without limitation, in connection with baseball games and exhibition services; organizing team league sports competitions; providing

opportunities for youths to play in team sports; and a wide variety of goods and services, including, but not limited to, apparel; paper goods and printed matter; toys and sporting goods; and novelty items, and have offered such goods and rendered such services in commerce.

9. As a result of the sales and promotion of their goods and services bearing or offered in connection with the MLB Marks, the MLB Opposers have built up highly valuable goodwill in the MLB Marks, and said goodwill has become closely and uniquely identified and associated with the MLB Opposers.

10. Since long prior to June 29, 2015, Applicant's constructive first use date, the BOC and its predecessors and affiliated and related entities, including MLBP and the other MLB Entities, licensees and/or sponsors, have used and are using marks, names and domain names that comprise or contain the terms WORLD SERIES, alone or with other word, letter and/or



design elements, including globe designs, such as shown here:

(collectively, the "BOC's WORLD SERIES Marks") on or in connection with baseball games and exhibition services; organizing team sports events and competitions; providing opportunities for youths to play in team sports; and a wide variety of goods and services, including, but not limited to, apparel; paper goods and printed matter; toys and sporting goods and novelty items.

11. The BOC owns United States federal registrations for the BOC's WORLD SERIES Marks in International Classes 9, 14, 16, 18, 20, 21, 24, 25, 28, 35 and 41, namely Registration Nos. 1,178,547; 1,478,631; 1,478,775; 1,479,756; 1,542,959; 1,559,036; 1,615,625; 1,648,385; 1,825,850; 1,844,979; 1,861,888; 2,700,976; 2,709,813; 2,709,814;

3,410,585; 3,424,320; 3,438,400; 3,443,094; 3,455,863; 3,624,727; 3,624,728; 3,628,858; 4,373,051, 4,380,650 and 4,649,491 for said trademarks and service marks. Registration Nos. 1,178,547; 1,478,631; 1,478,775; 1,479,756; 1,542,959; 1,559,036; 1,615,625; 1,648,385; 1,825,850; 1,844,979; 1,861,888; 2,709,813; 2,709,814; 3,410,585; 3,424,320; 3,443,094; 3,455,863; 3,624,727; 3,624,728 and 3,628,858 are incontestable. Registration No. 3,438,400 is partially incontestable.

12. Since long prior to June 29, 2015, Applicant's constructive first use date, the BOC and its predecessors, affiliated and related entities, including MLBP and the other MLB Entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with the BOC's WORLD SERIES Marks, including, but not limited to, in connection with baseball games and exhibition services; organizing team sports events and competitions; providing opportunities for youths to play in team sports; and a wide variety of goods and services, including, but not limited to, apparel; paper goods and printed matter; toys and sporting goods and novelty items, and have offered such goods and rendered such services in commerce.

13. As a result of the sales and promotion of the goods and services bearing or offered in connection with the BOC's WORLD SERIES Marks, the BOC has built up highly valuable goodwill in the BOC's WORLD SERIES Marks, and said goodwill has become closely and uniquely identified and associated with the BOC.



14. On June 29, 2015, Applicant filed the Application for Applicant's Mark for "Coordination of recreational sporting opportunities for individuals who wish to participate in team league sports" in International Class 35 based on an intent-to-use.

15. Upon information and belief, Applicant did not use Applicant's Mark for the services covered in the Application in United States commerce prior to its constructive first use date of June 29, 2015.

16. The services covered by the Application are identical and/or closely related to the goods offered and services rendered in connection with WBCI's Marks, the MLB Marks and the BOC's WORLD SERIES Marks (collectively referred to as "Opposers' Marks").

17. Applicant's Mark contains the terms WORLD and BASEBALL, which are virtually identical to certain of Opposers' Marks.

18. Applicant's Mark contains a design of a baseball with a globe design that is similar to certain of WBCI's Marks and the BOC's WORLD SERIES Marks, as shown here:

<u><b>Applicant's Mark</b></u>	<u><b>Certain of BOC's WORLD SERIES Marks and WBCI's WBCI Marks</b></u>
	



19. Upon information and belief, Applicant, on its website located at <http://www.yourwbl.com/>, uses Applicant's Mark in connection with baseball teams called the VBraves, VPirates, VMarlins, VCardinals, VNationals, and VGiants, nicknames of certain of the Major League Baseball clubs, namely, the Atlanta Braves, Pittsburgh Pirates, Miami Marlins, St. Louis Cardinals, Washington Nationals, and San Francisco Giants clubs. Moreover, Applicant's intent to trade on the highly valuable goodwill of the MLB Opposers is further demonstrated by Applicant's use of logos that share common elements with the logos of these Major League Baseball clubs, as shown in the screenshots of Applicant's website attached as Exhibit A and as shown here:

<u><b>Applicants Team Marks</b></u>	<u><b>Certain of the MLB Entities' Marks</b></u>



20. Applicant's Mark so resembles Opposers' Marks as to be likely, when used in connection with Applicant's services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's services have their origin with Opposers and/or that such goods and services are approved, endorsed or sponsored by Opposers or associated in some way with Opposers. Opposers would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

21. The BOC's WORLD SERIES Marks and the MLB Marks are distinctive and famous and were so prior to June 29, 2015, Applicant's constructive first use date. Registration of Applicant's Mark will also injure the MLB Opposers by causing a likelihood of dilution through blurring of the distinctive quality of the BOC's WORLD SERIES Marks and the MLB Marks.

WHEREFORE, Opposers believe that they will be damaged by registration of Applicant's Mark and request that the consolidated opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposers in this proceeding Mary L. Kevlin, Richard S. Mandel and Timothy J. Buckley (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 114 West 47<sup>th</sup> Street, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York  
August 19, 2016

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.  
Attorneys for Opposers

By: /Timothy J. Buckley/

Mary L. Kevlin  
Richard S. Mandel  
Timothy J. Buckley  
114 West 47th Street  
New York, New York 10036  
(212)790-9200



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on August 19, 2016, I caused a true and correct copy of the foregoing Consolidated Notice of Opposition to be served via First Class Mail, postage prepaid, to Applicant's Attorney and Correspondent of Record, Luke Brean, Esq., Breanlaw LLC, P.O. Box 4120, Portland, Oregon 97208-4120, with a courtesy copy to World Baseball League LLC, 1624 E Campbell Ave., Ste. 14, Phoenix, Arizona 85016.

\_\_\_\_\_  
/Timothy J. Buckley/  
Timothy J. Buckley

## **EXHIBIT A**



www.yourwbl.com/wbl-pro-league.html

Apps Citrix XenApp Gmail Outlook Web App USPTO- Trademark Nice Agreement- i Trademark Accept TMEP- Trademark Trademark Rules

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 C. Eat, Review and Go Back to Do it AGAIN!

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www.yourwbl.com/wbl-collegiate-league.html

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## The WBL COLLEGIATE LEAGUE

We Identify, We Improve, We Network, and We Develop Baseball Warrior. This is how we do it.

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B. Play Games Every Afternoon  
C. Eat, Review, and Go Back to Do it AGAIN!

If You want to Be a Successful Collegiate Warrior for your Team and the WBL Send email to:  
gmvmarlins@yahoo.com, text 4344894544, or register on line: [WBL REGISTRATION](#)

We will conduct interview with you, we will visit with your coaches/family, and discuss the financial arrangements that best meet your needs.

[VGIANTS Roster](#) [VBraves Roster](#) [VPirates Roster](#) [VMarlins Roster](#) [VCardinals Roster](#) [CGrinders Roster](#) [VNationals Roster](#)